

1 Stephen M. Doniger (SBN 179314)
2 stephen@donigerlawfirm.com
3 Scott A. Burroughs (SBN 235718)
4 scott@donigerlawfirm.com
5 Frank Gregory Casella (SBN 301494)
6 fcasella@donigerlawfirm.com
7 DONIGER / BURROUGHS
8 603 Rose Avenue
9 Venice California 90291
10 Telephone: (310) 590-1820

11 Attorneys for Plaintiff

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 UNIVERSAL DYEING & PRINTING,
15 INC.,

16 Plaintiff,

17 v.

18 SANS SOUCI, LLC, a California limited
19 liability company; SUPERLINE, INC., a
20 California corporation; and DOES 1 through
21 10,

22 Defendants.

Case No.:

PLAINTIFF'S COMPLAINT FOR
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

23 UNIVERSAL DYEING & PRINTING, INC., by and through its undersigned
24 attorneys, hereby prays to this honorable Court for relief based on the following:

25 **JURISDICTION AND VENUE**

26 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101
27 *et seq.*

1 adopted each of the acts or conduct alleged, with full knowledge of all the facts and
2 circumstances, including, but not limited to, full knowledge of each violation of
3 Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

4 **CLAIMS RELATED TO DESIGN NO. UA 16128**

5 9. Plaintiff owns an original two-dimensional artwork used for purposes of
6 textile printing entitled UA 16128 ("Subject Design") which has been registered with
7 the United States Copyright Office.

8 10. Prior to the acts complained of herein, Plaintiff widely disseminated fabric
9 bearing Subject Design to numerous parties in the fashion and apparel industries.

10 11. Plaintiff is informed and believes and thereon alleges that following its
11 distribution of Subject Design, SANS SOUCI, SUPERLINE, DOE Defendants, and
12 each of them distributed and/or sold fabric and/or garments featuring a design which
13 is substantially similar to Subject Design (hereinafter "Subject Product") without
14 Plaintiff's authorization, including but not limited to products sold:

- 15 a. under Style No. GS0-207 (or GSD-207) and bearing the label "Sans
16 Souci" and RN 95652, indicating that it was manufactured by or for
17 SANS SOUCI.
- 18 b. under Item No. 1908, Style No. E070736 and bearing the label "New
19 Mix" and RN 95906, indicating that it was manufactured by or for
20 SUPERLINE.

21 12. An image of Subject Design and an exemplar of Subject Product are set
22 forth hereinbelow:

23 ///

24 ///

Subject Design



Subject Product



FIRST CLAIM FOR RELIEF

(For Copyright Infringement - Against All Defendants, and Each)

13. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.

14. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to the Subject Design, including, without limitation, through (a) access to Plaintiff's showroom and/or design library; (b) access to illegally distributed copies of Subject Designs by third-party vendors and/or DOE Defendants, including without limitation international and/or overseas converters and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) access to garments in the marketplace manufactured with lawfully printed fabric bearing Subject Designs.

15. Plaintiff is informed and believes and thereon alleges that one or more of the Defendants manufactures garments and/or is a garment vendor. Plaintiff is further informed and believes and thereon alleges that said Defendant(s), and each of them, has an ongoing business relationship with Defendant retailers, and each of them, and supplied garments to said retailers, which garments infringed Subject

1 Designs in that said garments were composed of fabric which featured unauthorized
2 print designs that were identical or substantially similar to Subject Designs, or were
3 an illegal modification thereof.

4 16. Plaintiff is informed and believes and thereon alleges that Defendants, and
5 each of them, infringed Plaintiff's copyright by creating, making and/or developing
6 directly infringing and/or derivative works from Subject Designs and by producing,
7 distributing and/or selling Subject Products through a nationwide network of retail
8 stores, catalogues, and through on-line websites.

9 17. Due to Defendants', and each of their, acts of infringement, Plaintiff has
10 suffered damages in an amount to be established at trial.

11 18. Due to Defendants', and each of their, acts of copyright infringement as
12 alleged herein, Defendants, and each of them, have obtained profits they would not
13 otherwise have realized but for their infringement of Subject Designs. As such,
14 Plaintiff is entitled to disgorgement of Defendants', and each of their, profits
15 attributable to the infringement of Subject Designs in an amount to be established at
16 trial.

17 19. Plaintiff is informed and believes and thereon alleges that Defendants, and
18 each of them, have committed copyright infringement with actual or constructive
19 knowledge of Plaintiff's rights such that said acts of copyright infringement were,
20 and continue to be, willful, intentional and malicious.

21 **PRAYER FOR RELIEF**

22 Wherefore, Plaintiff prays for judgment as follows:

- 23 a. That Defendants—each of them—and their respective agents and
24 servants be enjoined from importing, manufacturing, distributing,
25 offering for sale, selling or otherwise trafficking in any product that
26 infringes Plaintiff's copyrights in Subject Designs;

